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UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: B. Fubara Art Unit: 1615
Re: Application of: Chih-Ming CHEN, et al.
Serial No.: 09/726,193
Filed: November 29, 2000
For: **CONTROLLED RELEASE**
 METFORMIN FORMULATIONS

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

April 26, 2002

Sir:

In accordance with Applicant's duty of disclosure under 37 C.F.R. §1.56 and the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby make of record the documents listed on the accompanying PTO-1449 Form for consideration by the Examiner in connection with the examination of the above-identified patent application.

As discussed during the interview of March 21, 2002, reference AA (U.S. Patent No. 5,100,669) was cited in the background of U.S. Patent No. 6,056,977 (the '977 patent was cited by the Examiner in the Office Action of October 1, 2001).

The Examiner is further directed to reference AK (WO 99/47128) which was cited in the Information Disclosure Statement of September 17, 2001 and which was also discussed during the interview. Specifically, it was noted that Examples 2 and 3 of reference AK have the same ingredients as Glucophage XR indicated in the PDR 2002 (attached as reference AB; the PDR 2002 is in the prior art). It was mentioned during the interview that it is possible that Example 2 or 3 of reference AK and Glucophage XR are the same or identical formulations.

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This Information Disclosure Statement is being filed after a First Office Action but before a Final Office Action or Notice of Allowance. Pursuant to 37 C.F.R. § 1.98(c), a check for \$180.00 is enclosed to cover the required fee. If any additional fees are due at this time the Assistant Commissioner is hereby authorized to charge said fees to Deposit Account No. 50-0552. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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